IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE M.E.N.PATRUDU

WRIT PETITION NO :10610 of 2005

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Dated: 5th January 2006.

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Between:

S.Satyanarayana Rao

..... PETITIONER

AND

The Principal Secretary, Municipal Administration and Urban Development Department and others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE M.E.N.PATRUDU

W.P.NO.10610 OF 2005

ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

Aggrieved by a judgment dated 27-04-2005 in O.A.No.645 of 2003, on the file of the Andhra Pradesh Administrative Tribunal (for short 'the Tribunal'), the unsuccessful applicant therein preferred the present writ petition.

The petitioner was initially appointed in the year 1988 as a Draftsman in Adoni Municipality. On 29-09-1992, he was temporarily promoted as Assistant Engineer and posted to Ananthapur Municipality, it appears from the record, in a leave vacancy. On the cessation of the leave vacancy, the petitioner was once again posted as an Assistant Engineer in Kurnool Municipality in another leave vacancy and even the said leave vacancy seized to be available to him. By a proceeding dated 03-05-1993, the petitioner was posted to Municipal Corporation of Visakhapatnam, purportedly, on deputation and he continued there till now.

The petitioner, obviously, wanted to continue in Visakhapatnam for the reasons best known to him. It may not be necessary to go into the background of the whole episode, except to say that the 2nd respondent by his letter dated 03-08-1999 recommended that the representation of the petitioner for zonal transfer from Zone-IV to Zone-I, may be favourably considered, subject to the condition that the petitioner takes the last rank among the regular Municipal Assistant Engineers of Zone-I. The Government by its proceedings dated 26-02-2001 rejected the said recommendation. Subsequently, the 2nd respondent wrote another letter dated 22-06-2001, requesting the Government to reconsider the case of the petitioner in terms

of G.O.Ms.No.665, dated 12-12-1986. However, by a letter dated 02-02-2002, the Government directed the 2nd respondent to repatriate the petitioner to his parent zone. Aggrieved by the same, the petitioner approached the Tribunal in O.S.No.4737 of 2002. The Tribunal by the order under challenge disposed of the O.A., directing continuance of the petitioner in Zone-I, until the Government takes a decision on the proposal submitted by the 2nd respondent on 22-06-2001. Once again the Government by its Proceedings dated 30-12-2002 rejected the proposal of the 2nd respondent. Thereafter, the petitioner approached the Tribunal in O.A.No.645 of 2003, which was dismissed by the order under challenge, holding that neither G.O.Ms.No.665 dated 12-12-1986, is applicable to the petitioner, nor his case can be considered under Para 5(2)(c) of the Presidential order.

We do not see any reason warranting interference of this Court. The writ petition is without merits and accordingly, dismissed at the stage of admission. No costs.

However, the learned counsel for the petitioner submits that his two young children are studying in Visakhapatnam, shifting him at this stage, would cause dislocation to their education and therefore, a direction be issued not to repatriate him till the end of the present academic year.

Heard the learned Government Pleader for Services-I.

In the facts and circumstances, we deem it appropriate to direct the respondents not to repatriate the petitioner till 30th April 2006.

J.Chelameswar, J

M.E.N.Patrudu, J

5th January 2006

mrk